

Docket No.: DE 030340US1

**REMARKS**RECEIVED  
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**I. INTRODUCTION**

Claims 5 and 10 have been amended. No new matter has been added. Thus, claims 1-15 are pending in the present application. In view of the above amendment and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

**III. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-3 and 5-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated U.S. Patent No. 6,666,579 to Jensen (hereinafter "Jensen"). (See 03/17/2008 Office Action, p. 2-4).

Jensen describes a system which includes a C-arm having an x-ray source and a receptor for obtaining fluoroscopic images of a patient. (See Jensen Abstract). A position tracking system is included to track the position of the receptor, patient and (if included) a surgical instrument. (See Jensen Abstract). The position information is used to control the time at which exposures are obtained. (See Jensen Abstract).

Claim 1 recites, "an X-ray unit comprising at least a first arrangement (2) for the contactless and X-ray-free measurement of first data of an object (1), a second arrangement (4) for measuring X-ray data of the object (1) using X-rays, and a control unit (3) that is provided for controlling the second arrangement (4) as a function of the first data, wherein at least one of intensity and mean energy of the X-rays is controlled by the control unit (3) based at least in part on the first data." The Examiner asserts that claim 1 is disclosed in Jensen. (See 03/17/2008 Office Action, p. 2-3). Applicants respectfully disagree.

The Examiner asserts that "a control unit (3) that is provided for controlling the second arrangement (4) as a function of the first data, wherein at least one of intensity and mean energy of the X-rays is controlled by the control unit (3) based at least in part on the first data," as recited in claim 1, is taught by Jensen in Fig. 1; column 8, lines 1-10, 36-40 and 45-56; column

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9, lines 6-21. (See 03/17/2008 Office Action, p. 3). However, the Examiner's citation in Jensen merely states "when the tracking component coordinates 26 indicate that the receptor 34 has moved the predefined distance from the initial position, the tracking data processor 20 sends a new control or trigger command 28 to the x-ray generator 14 thereby causing the x-ray source 36 to take an x-ray exposure." (See Jensen, column 9, lines, 10-15). Additionally, as illustrated in Figure 8, Jensen merely triggers the X-ray source to capture a new exposure when the receptor has moved into the desired position. (See Jensen, Figure 8). There is no disclosure in Jensen that teaches or suggests controlling the intensity or the mean energy of X-rays.

Accordingly, Applicants respectfully submit that Jensen does not teach or suggest the recitations of claim 1. Thus, Applicants submit that claim 1 is patentable over Jensen. Because claims 2-3 depend from, and therefore include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons given above with respect to claim 1.

Claim 5 has been amended to recite "a control unit (3) that is provided for controlling the second arrangement (4) as a function of the first data, wherein at least one of intensity and mean energy of the X-rays is controlled by the control unit (3) based at least in part on the first data, wherein the first arrangement (2) measures the first data by triangulation." Thus, Applicants respectfully submit that claim 5 is allowable for at least the same reasons given above with respect to claim 1. Because claims 6-9 depend from and therefore include all the limitations of the claim 5, it is respectfully submitted that these claims are also allowable.

Claim 10 has been amended to recite "controlling the measurement of the X-ray data as a function of the first data, wherein at least one of intensity and mean energy of the X-rays is controlled based at least in part on the first data." Thus, Applicants respectfully submit that claim 10 is allowable for at least the same reasons given above with respect to claim 1. Because claims 11-13 depend from and therefore include all the limitations of the claim 10, it is respectfully submitted that these claims are also allowable.

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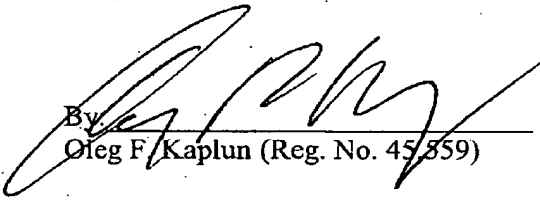
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CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the now pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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